

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5327 of 1985

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

(1 to 5 - No)

ARVINDBHAI C PATEL

Versus

GUJARAT DAIRY DEVELOPMENT CORP

Appearance:

1. Special Civil Application No. 5327 of 1985
MR DM THAKKAR for Petitioner
MR KM PATEL for Respondent No. 1
Respondent No. 2 & 3 served.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 13/08/96

ORAL JUDGEMENT

Heard learned Advocates for the parties.

The petitioner who was working as a Deputy General Manager(Production) in the respondent Dairy is aggrieved by promotion of the respondents Nos.2 & 3 as

Joint General Manager in the respondent Dairy made on 2nd July, 1985.

The petitioner on 17th April 1984 was transferred from Ahmedabad to Rajkot. Petitioner was discharged from service on 1st August 1984. Said order of termination of the petitioner's service has been challenged by the petitioner in Spl.C.A.No.4909/84 preferred by him. By an interim order made on the said writ petition the order of discharge of the petitioner from service has been stayed. It should be noted that though the order of discharge has been stayed by this court the petitioner did not report for duty at Rajkot as was required of him. The petitioner has thus been out of service since 1st August 1984. In the event the petitioner succeeds in the above referred Spl.C.A.No.4909/84 the petitioner would be at liberty to claim benefits of arrears of salary as well as for further promotion and other consequential benefits.

The petitioner on 2nd July 1985 was not in service as aforesaid. Learned Advocate Mr.Thakkar appearing for the petitioner has further stated that pending this petition the respondent No.3 has resigned from service. The petitioner having not availed of the interim order made in his favour in Spl.C.A.No.4909/84 and the respondent No.3 having resigned from service, I do not consider it expedient to entertain this petition on merits and decide the validity of the promotion of the respondent No.2 after more than 10 years.

Petition is, therefore, dismissed. Rule is discharged. There shall be no order as to costs.
